

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

JEREMY JOHNSON, *et al.*,

Defendants.

Case No. 2:10-cv-02203-MMD-GWF

~~PROPOSED~~
ORDER

At the April 4, 2016 telephonic status conference with the parties [DE 1883], the Court instructed the Federal Trade Commission (“FTC”) to file a status report indicating which defendants did not oppose the FTC’s summary judgment motions and a proposal on how to handle the FTC’s summary judgment motions as to those defendants.

The FTC has identified the following 18 corporate defendants: Bottom Dollar, Inc.; Bumble Marketing, Inc.; Costnet Discounts, Inc.; Cutting Edge Processing, Inc.; Excess Net Success, Inc.; Fiscal Fidelity, Inc.; Fitness Processing, Inc.; Funding Search Success, Inc.; GG Processing, Inc.; Internet Business Source, Inc.; JRB Media, Inc.; Lifestyles for Fitness, Inc.; Net Business Success, Inc.; Net Fit Trends, Inc.; Net Success, Inc.; Power Processing, Inc.; Rebate Deals, Inc.; and Xcel Processing, Inc. Status Report re 18 Corporate Defendants That Did Not Oppose the FTC’s Motion for Summary Judgment Against Them [DE 1901] (“Status Report”).

The FTC notes that it moved for summary judgment against all the corporate liability defendants in this matter [DEs 1235, 1280] and that the Court granted partial summary judgment to the FTC against all the corporate liability defendants that opposed the FTC’s motion [DEs 1586, 1794, and 1818]. Thus, the FTC proposes that the Court exercise its authority to extend the summary judgment rulings against the corporate liability defendants that opposed the FTC’s

1 motion to the 18 corporate liability defendants that have failed to oppose that motion. *See Henry*
2 *v. Gill Industries*, 983 F.2d 943, 950 (9th Cir. 1993) (unopposed motion for summary judgment
3 met the requirements of Fed. R. Civ. P. 56 and was properly granted); *Williams v. Santa Cruz*
4 *County Sheriff's Dept.*, 234 Fed. Appx. 522, 523 (9th Cir. 2007) (district court properly granted
5 unopposed summary judgment motion for defendants, where defendants' motion papers
6 demonstrated that there was no genuine issue of material fact); *Weinreich v. Environmental*
7 *Protection Agency*, 63 Fed. Appx. 334 (9th Cir. 2003) (district court properly granted EPA's
8 unopposed motion for summary judgment).
9

10 The Court agrees with the FTC's proposal for the reasons stated above and in the FTC's
11 Status Report.

12 Therefore, **IT IS ORDERED** that partial summary judgment, in accordance with the
13 Court's summary judgment rulings and Fed. R. Civ. Proc. 56(g) findings in the Orders that are
14 DEs 1586, 1794, and 1818, is hereby entered in favor of the FTC and against the following
15 corporate defendants: Bottom Dollar, Inc.; Bumble Marketing, Inc.; Costnet Discounts, Inc.;
16 Cutting Edge Processing, Inc.; Excess Net Success, Inc.; Fiscal Fidelity, Inc.; Fitness Processing,
17 Inc.; Funding Search Success, Inc.; GG Processing, Inc.; Internet Business Source, Inc.; JRB
18 Media, Inc.; Lifestyles for Fitness, Inc.; Net Business Success, Inc.; Net Fit Trends, Inc.; Net
19 Success, Inc.; Power Processing, Inc.; Rebate Deals, Inc.; and Xcel Processing, Inc.
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21

22
23 Dated: June 9, 2016



MIRANDA M. DU
UNITED STATES DISTRICT COURT